

REMARKS

This is intended as a full and complete response to the Office Action dated May 11, 2007, having a shortened statutory period for response set to expire on August 13, 2007. Please reconsider the claims pending in the application for reasons discussed below.

In the specification, paragraphs [0003], [0004], [0029], [0034], [0040], [0042], [0043], [0047] - [0050], [0053] - [0058], [0060] and [0061] have been amended to correct minor editorial problems. Paragraphs [0029.1], [0029.2], and [0029.3] have been added to provide a brief description of Figures 13A, 13B, and 14.

Claims 1-42 are pending in the application. Claims 1-12, 14-30 and 32-42 remain pending following entry of this response. Claims 21-30 and 32-38 have been amended. Claims 13 and 31 have been cancelled. Applicants submit that the amendments and new claims do not introduce new matter.

Drawing Objections

The Examiner objects to drawings as follows:

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 1064 on page 9, paragraph 0034, line 2, 206 on page 12, line 8, 204 on page 12, paragraph 0042, line 3, 206 on page 13, paragraph 0043, line 10, and 1002 on page 17, paragraph 54, line 3. The drawings are also objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 702 in Figure 7, 802 in Figure 8, 905 in Figure 9, 1110 in Figure 11, and 1210 in Figure 12A.

Applicants have amended the specification as necessary to correct the informalities pointed out by the examiner.

Therefore, the drawings are believed to be in compliance, and accordingly, Applicants respectfully request that the objections to the drawings be withdrawn.

Specification Objections

The Examiner objects to the disclosure based of the following informalities:

- The Examiner notes the use of acronyms (e.g. ID, URL, API, etc.) throughout the specification without including a description in plain text.
- The Brief Description of the Drawings only includes a brief description for Figures 1-12, omitting Figures 12A, 12B, 13, and 14.
- Page 17 of the specification paragraph 054, line 1 refers to Figure 10 instead of Figure 11.
- Figure 12 in the specification, pages 19-21, only refer to a Figure 12 instead of the Figures 12A and 12B included in the application.

Applicants have amended the specification to correct these informalities. Accordingly, Applicants respectfully request that these objections be withdrawn.

Double Patenting Rejection

Claims 16 and 34 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 13 and 31. Applicants respectfully traverse this rejection. Claims 16 and 13 are patentably distinct because, at a minimum, claim 13 does not recite "a plurality of secondary executing entities" and also does not recite "wherein each of the secondary executing entities is displaced from the primary executing entity and from one another by a number of user requests...". Claims 34 and 31 are patentably distinct for the same reasons.

Claim Rejections - 35 U.S.C. § 101

Claims 21-38 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. The Examiner interprets the phrase "computer readable medium" as referring to an electronic transmission signal. Claims 21-38 are amended with this response to recite a "computer readable storage medium." Applicants submit that, as amended, Claims 21-38 are limited to statutory subject matter under 35 U.S.C. § 101, and therefore, respectfully request this rejection be withdrawn.

Claim Rejections - 35 U.S.C. § 102

Regarding Claims 1, 3, 9, 21, 23, and 27:

Claims 1, 3, 9, 21, 23, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by *Stone* (US 2003/0046615). Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Stone* does not disclose "each and every element as set forth in the claim." For example, *Stone* does not disclose a method for parallel processing of requests that includes, performing, by a secondary executing entity, the requests previously performed by a primary executing entity in a time-delayed and step-wise fashion while the primary executing entity continues to execute requests, whereby each executing entity maintains its own respective state information independent of, and temporally displaced from, the other executing entity, as recited by Claim 1. Claim 21 recites a similar limitation.

Stone discloses a method of "reliability balancing" for distributed programming networks, in which multiple instances of the same program must run concurrently (p.2, paragraph 12) This redundancy allows the multiple instances of the same program to continue executing if one of the instances fails. The cited passage in *Stone* discloses that each service or object must "run logically through the same sequencing without one proceeding ahead of the other" (p.2, paragraph 12).

Despite the clear requirement in *Stone* that two or more instances of the same service (or object) must run concurrently, the Examiner suggests that:

[*Stone* discloses a method that includes] the secondary entity performing the same tasks as the primary entity in a time-delayed fashion while the first entity continue executing requests (page 1, paragraph 11 & pages 1 & 2, paragraph 12).

Office Action, p. 5. However, as explained above, *Stone* teaches that the entities are not time-delayed with respect to each other, and, in fact, describes exactly the opposite. Accordingly, Applicants submit that *Stone* does not teach “a method for parallel processing of requests that includes “performing, by the secondary executing entity, the requests previously performed by the primary executing entity in a time-delayed and step-wise fashion while the primary executing entity continues to execute requests, whereby each executing entity maintains its own respective state information independent of, and temporally displaced from, the other executing entity,” as recited by claim 1. Claim 21 recites similar limitations. Therefore, Applicants submit that claims 1 and 21 are allowable and respectfully request the allowance of these claims.

Additionally, claims 3, 9, 23, and 27 each depend from either claim 1 or claim 21. Accordingly, for all the reasons given above, Applicants submit that these dependent claims are allowable and respectfully request allowance of same.

Claim Rejections - 35 U.S.C. § 103

Regarding Claims 2, 11, 13, 16, 19, 22, 29, 31, 34, and 37:

Claims 2, 11, 13, 16, 19, 22, 29, 31, 34, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Stone* (US 2003/0046615) in view of *Chamdani et al.* (US 6,985,975). Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there

must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to establish at least the third criteria.

As set forth above, *Stone* discloses that each service or object “run logically through the same sequencing without one proceeding ahead of the other.” *Stone*, p. 2, paragraph 12. The Examiner suggests that:

[*Stone* discloses a method where] the secondary entity performing the same tasks as the primary entity in a time-delayed fashion while the first entity continue executing requests (page 1, paragraph 11 & pages 1 & 2, paragraph 12).

Office Action, p.8. However, as demonstrated above, *Stone* teaches that the entities are not time-delayed with respect to each other. Accordingly, the Applicants submits that *Stone* does not teach “a method for parallel processing of requests” that includes “performing, by a secondary executing entity, at least a portion of the user requests on the queue step-wise with the primary executing entity and N-requests behind the primary executing entity; wherein each of the executing entities maintain their own respective state information,” as recited by Claim 11. Claims 1 (from which claim 2 depends), 16, 29, and 34 recite similar limitations.

Furthermore, the Examiner concedes that “*Stone* does not explicitly disclose of placing the user requests on a queue in a time-ordered manner and performing each task upon being placed on the queue,” but asserts that “*Chamdani* discloses a similar method and medium for processing comprising placing user requests in a time-ordered queue...(column 11, lines 54-65).” *Office Action*, p. 8. Although the passage from *Chamdani* discusses the general concept of network packets being buffered in a queue, i.e., a first-in first-out (FIFO) data structure, *Chamdani* does not disclose the specific limitations recited by the present claims of the placing of requests “in a queue in a time-ordered manner,” and “performing, by a secondary executing entity, at least a portion of the user requests on the queue step-wise with the primary executing entity and N-requests behind the primary executing entity,” as recited in claims 1, 11, 16, 29, and 34. Therefore, the Applicants submit that the combination of *Stone* and *Chamdani* does not teach or suggest the limitations of claims 1, 11, 16, 29, and 34.

Dependent claims 2, 13, 19, 22, 31 and 37 each depend from one of claims 1, 11, 16, 29, and 34. Accordingly, for all the reasons given above, Applicants submit that these dependent claims are allowable and respectfully request allowance of same.

Regarding Claims 4-8, 10, 24-26, and 28:

Claims 4-8, 10, 24-26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Stone* (US 2003/0046615) in view of *Aguilera et al.* (US 6,687,847). Applicants respectfully traverse this rejection.

Claims 4-8, 10, 24-26, and 28 each depend from either claim 1 or claim 21. Accordingly, for all the reasons given above, Applicants submit that these dependent claims are allowable and respectfully request allowance of same.

Regarding Claims 12, 14-15, 17-18, 20, 30, 32-33, 35, 36, and 38:

Claims 12, 14-15, 17-18, 20, 30, 32-33, 35-36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Stone* (US 2003/0046615) and *Chamdani et al.* (US 6,985,975) as applied to claims 11, 16, 29, and 34 above, and further in view of *Aguilera et al.* (US 6,687,847). Applicants respectfully traverse this rejection.

Claims 12, 14-15, 17-18, 20, 30, 32-33, 35, 36, and 38 each depend from one of claims 11, 16, 29, or 34. Accordingly, for all the reasons given above, Applicants submit that these dependent claims are allowable and respectfully request allowance of same.

Regarding Claims 39 and 42:

Claims 39 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Stone* (US 2003/0046615) in view of *Chamdani et al.* (US 6,985,975) and *Aguilera et al.* (US 6,687,847). Applicants respectfully traverse this rejection.

As set forth above, *Stone* discloses that each service or object “run logically through the same sequencing without one proceeding ahead of the other.” *Stone*, p. 2, paragraph 12. The Examiner suggests that *Stone* discloses a system that includes at least one secondary executing entity configured to process requests from the request queue in step-wise and a time-delayed with respect to the primary executing entity, whereby the at least one secondary executing entity performs request processing N

requests behind the primary executing entity, as recited by claim 39. *See Office Action*, p. 18. However, as set forth above, *Stone* does teaches exactly the opposite, a process each service or object “runs logically through the same sequencing without one proceeding ahead of the other”. Accordingly, for all the reasons given above, Applicants submit that claim 39 and dependent claim 42 are allowable and respectfully request allowance of same.

Regarding Claims 40-41:

Claims 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Stone* (US 2003/0046615), *Chamdani et al.* (US 6,985,975), and *Aguilera et al.* (US 6,687,847) as applied to claim 39 above, and further in view of *DeKoning* (US 6,148,368). Applicants respectfully traverse this rejection.

Claims 40-41 each depend from claim 39. Accordingly, for all the reasons given above, Applicants submit that dependent claims 40-41 are allowable and respectfully request allowance of same.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. McClellan, Reg. No. 44,227/

Gero G. McClellan
Registration No. 44,227
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant(s)